HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

–

WRIT PETITION NO. 16755 OF 1996

BETWEEN

Perumalla Ramesh @ Rajasekhar

.....**Petitioner**

And

The District Collector, Kurnool & others

.....**Respondents**

:: O R D E R::

Counsel for Petitioner : Shri A. Chandraiah Naidu

Counsel for Respondents : Government Pleader for

Social Welfare

Dated: 08.06.2006

This is a petition for quashing notification dated 29.02.1996 issued by District Collector, Kurnool under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act').

The principal ground on which the petitioner has questioned the acquisition of his land measuring Ac.1.93 cents comprised in survey No.786/4 of Gadiralla Village, Devanakonda Mandal, Kurnool District is that the enquiry under Section 5A of the Act could not have been dispensed with for the purpose of acquiring the land for providing house sites to Scheduled Castes/Scheduled Tribes and weaker sections of the society.

At the hearing, learned Government pleader for Land Acquisition gave out that the respondents have decided not to pursue the acquisition proceedings.

In view of the statement made by the learned Government Pleader, the writ petition is disposed of as infructuous.

While disposing of the writ petition in the manner indicated above, I deem it proper to take serious notice of the fact that in a large number of cases, enquiry under Section 5A of the Act is being dispensed with by the concerned authorities without applying mind and ignoring the law laid down by the Supreme Court in various judgments, including **Union of India v. Mukesh Hans** and **Union of India v. Krishan Lal Arneja**. Therefore, Secretary, Revenue Department is directed to issue written instructions to all the officers to ensure strict adherence to the provisions of law, as interpreted by the Supreme Court, before urgency clause enshrined in Section 17(4) of the Act is invoked for dispensing with the enquiry contemplated by Section 5A of the Act.

G.S.SINGHVI, CJ

ksld/grr

08.06.2006

Note:

Court Officer is directed to give attested copy of the order

to learned Government Pleader for Land Acquisition

for being forwarded to the officer concerned.